



**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 660**

**[Docket No. 140107014-4014-01]**

**RIN 0648-XD868**

**Fisheries Off West Coast States; Modifications of the West Coast Commercial Salmon Fisheries; Inseason Actions #1 and #2**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Modification of fishing seasons; request for comments.

**SUMMARY:** NMFS announces two inseason actions in the ocean salmon fisheries. These inseason actions modified the commercial salmon fisheries in the area from the Cape Falcon, OR, to Point Arena, CA.

**DATES:** The effective dates for the inseason actions are set out in this document under the heading Inseason Actions. Comments will be accepted through *[insert date 15 days after date of publication in the FEDERAL REGISTER]*.

**ADDRESSES:** You may submit comments, identified by NOAA-NMFS-2014-0005, by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal. Go to [www.regulations.gov/#!docketDetail;D=NOAA-](http://www.regulations.gov/#!docketDetail;D=NOAA-)

NMFS-2014-0005, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- *Mail:* William W. Stelle, Jr., Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE, Seattle, WA, 98115-6349

*Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Peggy Mundy at 206-526-4323.

## **SUPPLEMENTARY INFORMATION:**

### **Background**

In the 2014 annual management measures for ocean salmon fisheries (79 FR 24580, May 1, 2014), NMFS announced the commercial and recreational fisheries in the area from the U.S./Canada border to the U.S./Mexico border, beginning May 1, 2014, and 2015 salmon seasons opening earlier than May 1, 2015. NMFS is authorized to implement inseason management actions to modify fishing seasons and quotas as necessary to provide fishing opportunity while meeting management objectives for the affected species (50 CFR 660.409). Inseason actions in the salmon fishery may be taken directly by NMFS (50 CFR 660.409(a) – Fixed inseason management provisions) or upon consultation with the Pacific Fishery Management Council (Council) and the appropriate State Directors (50 CFR 660.409(b) –

Flexible inseason management provisions). The state management agencies that participate in these consultations are: California Department of Fish and Wildlife (CDFW), Oregon Department of Fish and Wildlife (ODFW), and Washington Department of Fish and Wildlife (WDFW).

Management of the salmon fisheries is generally divided into two geographic areas: north of Cape Falcon (U.S./Canada border to Cape Falcon, OR) and south of Cape Falcon (Cape Falcon, OR, to the U.S./Mexico border). The inseason actions reported in this document affect fisheries south of Cape Falcon. Within the south of Cape Falcon area, the Klamath Management Zone (KMZ) extends from Humbug Mountain, OR, to Humboldt South Jetty, CA, and is divided at the Oregon/California border into the Oregon KMZ to the north and California KMZ to the south. All times mentioned refer to Pacific daylight time.

### **Inseason Actions**

#### *Inseason Action #1*

*Description of action:* Inseason action #1 modified the dates for the pre-May 2015 commercial salmon fishery from Cape Falcon, OR, to Humbug Mountain, OR (Newport/Tillamook and Coos Bay subareas) and from Humbug Mountain, OR, to the Oregon/California border (Oregon KMZ). These fisheries opened on April 1, 2015 rather than March 15, 2015, as previously scheduled (79 FR 24580).

*Effective dates:* Inseason action #1 took effect on March 15, 2015, and remains in effect through April 30, 2015.

*Reason and authorization for the action:* This action was taken to limit fishery impacts on age-4 Klamath River fall Chinook salmon (KRFC), the surrogate for managing impacts on California coastal Chinook salmon, which are listed as threatened under the Endangered Species

Act (ESA). Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

*Consultation date and participants:* Consultation on inseason action #1 occurred at the Council meeting on March 11, 2015. The state of Oregon recommended the Council adopt this action for recommendation to NMFS.

#### *Inseason Action #2*

*Description of action:* Inseason action #2 cancelled the pre-May 2015 commercial salmon fishery from Horse Mountain, CA, to Point Arena, CA (Fort Bragg subarea), previously scheduled to open on April 16, 2015 (79 FR 24580).

*Effective dates:* Inseason action #2 takes effect on April 16, 2015, and remains in effect until April 30, 2015.

*Reason and authorization for the action:* This action was taken to limit fishery impacts on age-4 Klamath River fall Chinook salmon (KRFC), the surrogate for managing impacts on California coastal Chinook salmon, which are listed as threatened under the Endangered Species Act (ESA). Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i)..

*Consultation date and participants:* Consultation on inseason action #2 occurred at the Council meeting on March 11, 2015. The state of California recommended the Council adopt this action for recommendation to NMFS.

All other restrictions and regulations remain in effect as announced for the 2014 ocean salmon fisheries and 2015 fisheries opening prior to May 1, 2015 (79 FR 24580, May 1, 2014).

The RA determined that the best available information indicated that Chinook salmon abundance forecasts and estimates of fishery impacts supported the above inseason actions

recommended by the states of Oregon and California. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone in accordance with these Federal actions. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice of the described regulatory actions was given, prior to the time the action was effective, by telephone hotline numbers 206-526-6667 and 800-662-9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz.

### **Classification**

The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be impracticable. As previously noted, actual notice of the regulatory actions was provided to fishers through telephone hotline and radio notification. These actions comply with the requirements of the annual management measures for ocean salmon fisheries (79 FR 24580, May 1, 2014), the West Coast Salmon Fishery Management Plan (Salmon FMP), and regulations implementing the Salmon FMP, 50 CFR 660.409 and 660.411. Prior notice and opportunity for public comment was impracticable because NMFS and the state agencies had insufficient time to provide for prior notice and the opportunity for public comment between the time Chinook salmon abundance forecasts and catch and effort projections were developed and fisheries impacts were calculated, and the time the fishery modifications had to be implemented in order to ensure that fisheries are managed based on the best available scientific information, ensuring that conservation objectives and ESA consultation standards are not exceeded. The AA also finds good cause to waive the 30-day delay in effectiveness required under 5 U.S.C. 553(d)(3), as a delay in effectiveness of these

actions would allow fishing at levels inconsistent with the goals of the Salmon FMP and the current management measures.

These actions are authorized by 50 CFR 660.409 and 660.411 and are exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 3, 2015.

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Emily H. Menashes,

Acting Director,

Office of Sustainable Fisheries,

National Marine Fisheries Service.

[FR Doc. 2015-08054 Filed: 4/7/2015 08:45 am; Publication Date: 4/8/2015]